

1 RENE L. VALLADARES
2 Federal Public Defender
3 Nevada State Bar No. 11479
4 REBECCA LEVY
5 Assistant Federal Public Defender
6 411 E. Bonneville, Ste. 250
7 Las Vegas, Nevada 89101
8 (702) 388-6577/Phone
9 (702) 388-6261/Fax
10 Rebecca_levy@fd.org

11 Attorney for Spencer Gear

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 SPENCER CHRISTJENCODY GEAR,

15 Defendant.

Case No. 2:24-cr-00152-JAD-BNW

**Reply in Support of Defendant's
Motion for District Court
Review of Magistrate Judge's
Detention Order**

17 Certification: This reply is timely filed.

18 **I. Introduction.**

19 In this reply, Mr. Gear replies to several issues argued in the government's
20 response. Specifically, Mr. Gear is addressing the following arguments (1)
21 Mr. Gear presents a danger based solely on alleged threats that were made; (2)
22 recent threats contained threats of imminent action which were absent in
23 previously uncharged threats; and (3) the politically charged environment will
24 embolden Mr. Gear.

1 **II. Alleged threats alone do not establish Mr. Gear is a danger.**

2 Mr. Gear was not only contacted by FBI agents in 2021, he was also
3 contacted by Capitol Police.¹ Capitol Police Officer Ury reached out after Senator
4 Klobuchar received a phone call in which the caller “promised Senator Klobuchar
5 was on a hit list” and when asked if that was a death threat the caller indicated it
6 wasn’t a threat “it was a promise.”²

7 Capitol Police asked an individual purporting to be Mr. Gear if the Senator
8 was actually on a hit list to which he responded that “she’s not on any hit list.”³
9 Mr. Gear further stated that he’s “not some crazy lunatic that’s gonna go out and
10 start shootin up, absolutely not.”⁴ When asked if he was serious about traveling
11 Mr. Gear told the officer “I’m nowhere near Minnesota or Washington, D.C., and I
12 don’t have time for that stuff.”⁵ In addition to stating that he had not intent to
13 harm anyone, Mr. Gear thanks Agent Ury, tells her that he understands she is
14 only doing her job and ends the interview by saying “you stay safe out there.”

15 At no point did Mr. Gear attempt to conceal his identity, he used his real
16 name, phone number, and email address, and he even confirmed his identity to the
17 officer.

18 Following the interview, no further action was taken by Capitol Police,
19 presumably because they determined that Mr. Gear posed no threat to anyone
20 involved or to the community at large. Had law enforcement believed that these
21

22
23 ¹ Exhibit A, Interview by Capitol Police (bates 349-351). (For purposes of
24 this Reply, counsel is arguing presuming that Mr. Gear is the person behind the
25 alleged calls and emails. Mr. Gear maintains he is not guilty of these offenses and
the government has yet to establish he is the person behind the calls and emails.)

26 ² *Id.*

³ *Id.* at pg. 350.

⁴ *Id.*

⁵ *Id.*

calls alone warranted concern, they had numerous tools at their disposal to ensure public safety, none of which were employed at the time.

III. Previously uncharged threats from four years ago also suggested imminent action.

In 2021, Mr. Gear emailed Judge Kitchens in Texas and stated:

I would like to let the dishonorable judge Kitchens know that the mandators of vaccines will soon be liquidated. If he would like to remain a part of this dimension he should refrain from using his position to force medical care upon people. We will not tolerate violations of human rights. There will be no mercy for the mandators of vaccines and no deference for anyone even a judge when the hammer of Liberty crushes all who have risen up against it. Get right with the Constitution or die you still have time but that is running thin.⁶

In this email, Mr. Gear speaks of specifically of time “running thin” and liquidating people who mandate vaccines. After this email, FBI Agents spoke with Mr. Gear who told them he “did not want to hurt anyone.”⁷ Mr. Gear also admitted to sending messages to several other individuals, many of which had already contacted either the FBI or US Marshals concerned about these messages.

Even after these concerning messages, “GEAR was assessed to not be a threat.”⁸ In fact, up to 2023, federal prosecutions had been declined in both Arkansas and Missouri, presumably because Mr. Gear was determined not to be making “true threats.”⁹

The government may argue that Mr. Gear was not considered dangerous in 2021 because his statements did not meet the legal definition of “true threats,”

⁶ Exhibit B, Email to Judge Kitchens (bates 96).

⁷ Exhibit C, FBI 302 of interview (bates 192).

⁸ Exhibit D, Email from US Marshals (bates 310-311).

⁹ *Id.* at pg. 311.

1 which partly depends on subjective intent. However, the messages from 2021
2 contain similar language about killing those who disagreed with him and suggest
3 a sense of urgency, implying imminent action.

4 There is no meaningful distinction between Mr. Gear's situation in 2021 and
5 in 2025, except that the District of Nevada has chosen to prosecute where other
6 jurisdictions previously declined. Importantly, Mr. Gear took no steps to act on any
7 of his statements between 2021 and his arrest in 2024. This is a critical factor, as
8 there are legal mechanisms to ensure that Mr. Gear refrains from contacting
9 individuals or making alleged threats while on supervised release. In cases where
10 an individual's criminal conduct is solely linked to the use of electronic devices
11 (such as computers or cell phones), courts have imposed release conditions
12 restricting their access to such technology rather than continued detention.

13 **IV. The evolving political landscape is likely to mitigate any**
14 **concern about continued "threats."**

15 The recurring themes in Mr. Gear's emails and phone calls primarily relate
16 to vaccines, abortion protests, transgender issues, the January 6, 2021,
17 defendants, and the legal proceedings involving President Trump. At the time
18 these alleged threats were made, the political climate was different, and Mr. Gear
19 may have felt that his voice was not being heard.

20 Since Mr. Gear's initial appearance, President Trump has returned to office
21 and has expressed very similar views on these topics. Rather than emboldening
22 Mr. Gear, the President's actions in addressing many of the issues that previously
23 inflamed him are likely to render these calls and emails moot.

1 DATED this March 12, 2025

2 Respectfully submitted,

3 RENE L. VALLADARES
4 Federal Public Defender

5 By: /s/Rebecca Levy

6 Rebecca Levy
7 Assistant Federal Public Defender
8 Attorney for Spencer Gear
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26